

REMARKS

The final Office Action dated October 29, 2008 has been received and carefully reviewed. The preceding amendments and the following remarks form a full and complete response thereto. Claims 1, 4 and 6 have been amended. No new matter has been added. Therefore, Claims 1-2, 4, and 6-17 are currently pending in this application. In view of the above amendments and the following remarks, Applicants respectfully request reconsideration of this Application, and allowance of the presently pending claims.

As an initial matter, Applicants respectfully request that the finality of the Office Action be withdrawn as premature since its primary rejections were made over newly cited art and a clear issue had not yet been developed in the application. See MPEP § 706.07 (“[b]efore final rejection is in order a clear issue should be developed between the examiner and applicant.”) and 706.07(a) (“a second . . . action on the merits in any application . . . will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) . . .”) Neither Hale nor Chatten, the primary references used to reject the pending claims, were cited in an information disclosure statement or otherwise of record in this application prior to their introduction in the present final Office Action. Accordingly, Applicants respectfully request that the finality of the Office Action be withdrawn.

An objection was made to claims 4 and 6 because they depended from canceled claims 3 and 5 respectfully. Applicants have amended claims 4 and 6 to depend from claim 1 in direct response to the objection. Applicants therefore respectfully request that the objection to claims 4 and 6 be withdrawn.

Claims 1, 2, 4, 6-8, 10 and 15-17 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 4,700,651 ("Hale"). Applicants respectfully traverse the rejection and submit that Hale does not anticipate the claimed invention.

Claim 1 is directed to a fairing for mounting on a cylindrical member for underwater deployment. The claimed fairing has at least two collars which are both secured to a fairing body and are separated from each other along the length of the fairing body. The collars are positioned and aligned to receive the cylindrical member, with the front face of the fairing body lying adjacent to the cylindrical member, and with the cylindrical member's axis lying adjacent along the length of the fairing body. The fairing body is pivotally mounted upon the cylindrical member such that it is able to rotate about the axis of the cylindrical member and align itself with the water current. Each collar is comprised of a resiliently deformable material and each has a respective bearing ring with a gap so that the respective bearing ring can be opened out to enable the cylindrical member to be introduced into the bearing ring. The bearing rings are at opposite ends of the fairing body, each with a portion which extends beyond the adjacent end face of the fairing body to provide an exposed annular surface.

Hale discloses a single piece fairing for use with a tow-cable where the tow-cable is introduced into the fairing through a split trailing edge that can be cemented or welded shut after assembly. See Col 4, Lines 13-24; Figure 3. The Hale fairing surrounds the tow-cable by virtue of a hole of such a diameter that it has a large clearance fit over the tow-cable. *Id.* This embodiment of Hale therefore fails to disclose collars secured to a fairing body, a front face of a fairing body lying adjacent to a

cylindrical member, bearing rings, a gap in a bearing ring that enables the bearing ring to be opened out for introduction of a cylindrical member, or an exposed annular surface formed by the projection of the bearing rings beyond the adjacent end face of the fairing body, as required by claim 1.

The other embodiment of Hale, as shown in Figure 4, is a relatively elaborate construction in which a two-piece fairing body 90, 92 is assembled to a nose segment 80. This embodiment fails to disclose, at the least, collars, bearing rings, or bearing rings each having a portion which extends beyond the adjacent end face of the fairing body to provide an exposed annular surface, as required by claim 1. This latter feature (i.e. the extended, exposed annular surface) provides a simple, convenient and robust way to separate adjacent fairing bodies and for their relative rotation. That is, because the annular parts of the collars stand proud of the adjacent end face of the fairing bodies in the present invention, they serve to separate neighboring fairing bodies and, by running upon one another, allow the fairing bodies to rotate relative to one another with relatively low friction.

Hale recognizes the problems associated with frictional forces between fairings, *see* Figure 1, Col. 3, lines 34-54, but proposes different, and relatively complex configurations, as a solution to this problem. *See, e.g.*, Figure 5 (showing the staggering of nose and tail segments that link all of the fairing parts, preventing them from rotating relative to one another), Figure 6 (showing adjacent fairing parts coupled through links 102 which restrict rotation of one relative to another), and Figure 11 (showing another approach involving the linking of the fairing parts which restrict rotation of one relative to another). Again, none of the proposed solutions in Hale teach,

inter alia, bearing rings each having a portion which extends beyond the adjacent end face of the fairing body to provide an exposed annular surface, as required by claim 1.

Hale therefore fails to disclose each and every limitation of claim 1 and therefore does not anticipate the same. Claims 2, 4, 6-8, 10 and 15-17, which depend from claim 1, are allowable for at least the reasons given above. Applicants therefore respectfully request that the rejection over Hale be withdrawn.

Claims 1, 2, 4, 6, 7, 9 and 17 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 3,899,911 ("Chatten"). Applicants respectfully traverse the rejection and submit that Chatten does not anticipate the claimed invention.

Again, Claim 1 is directed to a fairing for mounting on a cylindrical member for underwater deployment. The claimed fairing has at least two collars which are both secured to a fairing body and are separated from each other along the length of the fairing body. The collars are positioned and aligned to receive the cylindrical member, with the front face of the fairing body lying adjacent to the cylindrical member, and with the cylindrical member's axis lying adjacent along the length of the fairing body. The fairing body is pivotally mounted upon the cylindrical member such that it is able to rotate about the axis of the cylindrical member and align itself with the water current. Each collar is comprised of a resiliently deformable material and each has a respective bearing ring with a gap so that the respective bearing ring can be opened out to enable the cylindrical member to be introduced into the bearing ring. The bearing rings are at opposite ends of the fairing body, each with a portion which extends beyond the adjacent end face of the fairing body to provide an exposed annular surface.

Chatten discloses fairings connected to a tow cable by virtue of yokes 22, rings/clips 24, 26 and support ring 37. See Col. 2, line 54 – Col. 3, line 28; Figure 1-2. Chatten fails to disclose, at the least, collars comprised of a resiliently deformable material with a respective bearing ring with a gap so that the bearing ring can be opened out to enable the cylindrical member to be introduced into the bearing ring, or a bearing ring having a portion which extends beyond the adjacent end face of a fairing body to provide an exposed annular surface, as required by claim 1. Chatten therefore fails to disclose each and every limitation of claim 1 and therefore, does not anticipate the same. Claims 2, 4, 6, 7, 9 and 17, which depend from claim 1, are allowable for at least the reasons given above. Applicants therefore respectfully request that the rejection over Chatten be withdrawn.

Claims 11 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hale in view of either one of JP02176217 or U.S. Patent No. 5,467,728 (“Lucy”). Applicants respectfully traverse the rejection.

Claims 11 and 12 depend from claim 1 and are allowable over Hale for at least the reasons given above. Neither JP02176217 nor Lucy can cure the above-described deficiencies of Hale. Moreover, any perceived combination of Hale with any of the other references cited in this Office Action to reach the claimed invention would be made with impermissible hindsight and no combination of the art of record discloses each and every element of claim 1. Applicants therefore respectfully request that the rejection over Hale in view of JP02176217 or Lucy be withdrawn.

Claims 13 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hale in view of U.S. Patent No. 6,347,911 ("Blair"). Applicants respectfully traverse the rejection.

Claims 13 and 14 depend from claim 1 and are allowable over Hale for at least the reasons given above. Blair cannot cure the above-described deficiencies of Hale. Moreover, any perceived combination of Hale with any of the other references cited in this Office Action to reach the claimed invention would be made with impermissible hindsight and none of the art of record discloses each and every element of claim 1. Applicants therefore respectfully request that the rejection over Hale in view of Blair be withdrawn.

In view of the above, all objections and rejections have been sufficiently addressed. The Applicants submit that the application is now in condition for allowance and request that claims 1-2, 4 and 6-17 be allowed and this application passed to issue.

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

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